

REMARKS:

This application has been carefully studied and amended in view of the Office Action dated September 13, 2004.

Reconsideration of that action is requested in view of the following.

The claims have been carefully reviewed and revised in order to more clearly define the invention. In that regard, independent parent claims 1 and 10 have been canceled and have been replaced by independent claims 16, 18 and 19. Further dependent claims have been added and unnecessary dependent claims have been canceled.

It is respectfully submitted that parent claims 16, 18 and 20 are patentable over the prior art and in particular over Henkin '675 whether taken alone or in view of Henkin '280. Parent claim 16 is directed to the embodiment of the invention which involves a method for administering one or more therapeutic gases to a patient and which includes the step of removing harmful or undesired substances. The method is characterized by the removal step comprising a purging with at least one other gas or gas mixture. Parent claim 16 includes features of canceled claims 1, 2 and 3. In that regard, parent claim 16 defines the therapeutic effective gases in its Markush grouping. Specific note is made that, unlike former dependent claim 2, this Markush grouping does not include anesthetic gases. Parent claim 16 also defines the purging gas in a Markush grouping similar to canceled

dependent claim 3, but which does not include anesthetic gases. Former parent claim 1 defined the removal step as being either purging with one or more gases and/or evacuation. Parent claim 16, however, requires the removal step to comprise at least purging with one or more other gases or gas mixtures. Newly added dependent claim 17 relates to a further practice of the invention which is dependent on claim 16 and which defines the removal step as also including evacuation in addition to the purging.

Independent parent claim 18 is directed to the embodiment of the invention wherein the method includes evacuation as the removal step. As with independent claim 16 independent claim 18 also defines the therapeutic effective gases in a Markush grouping which does not include anesthetic gases.

Independent parent claim 19 replaces former independent claim 10 and is directed to a device which could be used in practicing the methods of this invention. As defined in parent claim 19 the device includes a therapeutic gas feed system which feeds therapeutic gases defined as a Markush group which does not include anesthetic gases. In addition, independent parent claim 19 includes as part of the structure a removal device which comprises either a second gas line which would permit purging or an evacuation line, in addition to the first gas line which supplies the therapeutic effective gases. Where the second gas

line is included the purging gas is defined in a Markush grouping which does not include anesthetic gases.

As discussed above a feature common to all of the independent claims is that the therapeutic effective gases are selected from a Markush grouping which does not include anesthetic gases. Accordingly, each of these claims clearly differ from Henkin '675 which is specifically directed to an anesthesia machine. As such, the claims are not anticipated by Henkin '675 since Henkin '675 does not disclose the claimed Markush grouping which now excludes anesthetic gases as well as the purging gases excluding an anesthetic gases.

Note is also made of the various claims which are related to practices of the invention wherein the removal step is a combination of both purging and evacuation.

The deficiencies of Henkin '675 are not overcome by Henkin '280. Accordingly, as now defined parent claims 16, 18 and 19 and their dependent claims should be patentable over the prior art.

Respectfully Submitted,

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